



King County Board of Ethics  
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**KING COUNTY BOARD OF ETHICS SPECIAL MEETING NOTICE**  
***The regularly scheduled meeting on September 20, 1999, has been canceled***

**When:** Tuesday, September 21, 1999 at 4:30 p.m.

**Where:** 900 Fourth Avenue  
Bank of California Building; 8th floor  
King County Family Support Division Conference Room

**AGENDA**

1. **Approval of Agenda.** (2 minutes)
2. **Approval of Meeting Minutes of August 16, 1999.** (4 minutes)
3. **Proposed Procedures for Board Meetings and Issuing Advisory Opinions.** Review of oral and written comments; adopt procedures, if appropriate. (15 minutes)
4. **Request for Advisory Opinion from the Department of Development and Environmental Services Re: Outside Employment for Employee.** Deliberation on whether or not to issue an opinion. (25 minutes)
5. **Proposed Amendment Regarding Consultant Disclosure Under the Code of Ethics..** Status report. (15 minutes)
6. **Financial Disclosure Requirement Under the Code of Ethics.** Status report. (10 minutes)
  - Proposed Amendment to Requirement—status report
  - Report to Executive on 1999 Compliance—information only, no action required
7. **Education and Information.** Staff report. (15 minutes)
  - Web site development
  - Holiday memo on gift receipt and reception attendance
  - Handout for exiting employees classes
  - Sims letter of support for ethics
8. **Board Appointments.** Status report. (10 minutes)
9. **October Meetings.** Confirm meeting dates. (10 minutes)
10. **Executive Session.** Staff evaluation issues. (10 minutes)

cc: Ron Sims, King County Executive  
King County Councilmembers  
Duncan Fowler, Director–Ombudsman, Office of Citizen Complaints  
Sheryl V. Whitney, Director, DIAS  
James J. Buck, Deputy Director, DIAS  
Carl A. Johansen, Senior Deputy Prosecuting Attorney  
Lynn Baugh, Manager, Building Services Division, Development & Environmental Services  
Chris Ricketts, Supervisor, Building Review Section, Development & Environmental Services  
Jane McPherson, Engineering Technician, Development & Environmental Services

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### **Minutes of the September 21, 1999 Special Meeting of the King County Board of Ethics**

The September 21, 1999, special meeting of the King County Board of Ethics was called to order by Chair Price Spratlen at 4:30 p.m. Board members in attendance were:

Dr. Lois Price Spratlen, Chair  
Mr. Roland H. Carlson  
Lembhard G. Howell, Esq.  
Rev. Paul F. Pruitt

Others in attendance:

Ms. Catherine A. Clemens, Administrator, King County Board of Ethics  
Mr. Carl A. Johansen, Senior Deputy Prosecuting Attorney  
Mr. James J. Buck, Deputy Director, Department of Information and Administrative Services  
Ms. Lynn Baugh, Manager, Building Services Division, Development & Environmental Services (departing at 5:14 p.m.)  
Mr. John Chelminiak, Council Chief of Staff (arriving at 4:45 p.m.)  
Mr. Chris Ricketts, Supervisor, Building Review Section, Development & Environmental Services (arriving at 4:50 p.m. and departing at 5:14 p.m.)

1. *Proposed Agenda.* Ms. Clemens requested the addition of an Executive Session regarding the annual staff evaluation process. With that change, Mr. Howell moved the agenda be approved; Mr. Carlson seconded the motion and the agenda was approved.

2. *Approval of Meeting Minutes of August 16, 1999.* Mr. Howell moved to approve the August 16, 1999 meeting minutes; Mr. Carlson seconded the motion, and the minutes were approved.

The Chair invited all present to introduce themselves. At this time, Ms. Clemens suggested reversing agenda items #3. and #4. since county supervisor Chris Ricketts, who had a request before the Board, had not yet arrived. The Board agreed.

3. *Proposed Procedures for Board Meetings and Issuing Advisory Opinions.* The Board reviewed all comments received by the ethics office during the public comment period (beginning July 26, 1999) regarding Procedures for Board Meetings. After discussion, Mr. Howell moved to incorporate most of the suggestions, or portions thereof, and to approve

the Procedures for Board Meetings with those changes. Mr. Carlson seconded the motion and the motion was unanimously approved.

The Board then reviewed all written comments regarding Procedures for Issuing Advisory Opinions, which had benefited from the same comment period. After discussion, Mr. Carlson moved to incorporate most of the suggestions, or portions thereof, and to approve the Procedures for Board Meetings with those changes. Mr. Howell seconded the motion and the motion was unanimously approved.

The Board directed Ms. Clemens and Mr. Johansen to make the noted changes and to provide each board member with a corrected copy for their review. Further, the Board directed Ms. Clemens to solicit comments resulting from the Board review, and if no further corrections or changes were suggested, to file the procedures with the Clerk of the Council.

Mr. Ricketts arrived at 4:50 p.m. and all present again introduced them selves.

4. *Request for Advisory Opinion from the Department of Development and Environmental Services Re: Outside Employment for Employees.* Ms. Clemens gave a brief overview of the request, and invited Mr. Ricketts to inform the Board more fully about his request. An employee under Mr. Ricketts supervision, Ms. Jane McPherson, serves as a Plans Examiner II for DDES and her duties include building permit application review to determine compliance with state and local building codes. DDES regulates all building construction in unincorporated King County. Ms. McPherson, a licensed architect, wishes to obtain outside employment in which she would act as the design architect for an application to be submitted to DDES for permit review, the department in which she works as a plans examiner. Mr. Carlson asked for an explanation of 'outside agency review' referenced by Ms. McPherson in one document. He stated that there is an obvious conflict of interest where the employee or others in her department would sign off on the plans she would submit from her outside employment. Mr. Ricketts stated that outside agency review is not standard practice and that, yes, conflict would exist without that step. Rev. Pruitt asked why the Board should change their previous opinions on similar issues or issue another opinion when those already exist? Mr. Howell asked Mr. Ricketts if he felt the previous opinions covered the issue adequately? Yes. Mr. Ricketts stated that some opinions seemed clear, but others found no conflict of interest. Ms. Clemens offered that those opinions helped to clarify the issues that exist when conflict may or may not occur, such as possession of special knowledge, competitive advantage because of position, etc. Following additional discussion, Mr. Carlson moved that the Board decline to issue an advisory opinion because first, it has issued previous, relevant opinions on the subject (the latest one in 1999); second, the department itself has established its own policies and procedures on this issue; and third, the department has issued at least two directives to Ms. McPherson forbidding her outside employment activities which create a conflict of interest. Rev. Pruitt seconded the motion and the motion passed unanimously.

Chair Price Spratlen stated that, in light of Ms. McPherson's ongoing requests for outside employment inconsistent with departmental policy and the Code of Ethics, she be counseled to cease these activities. Mr. Ricketts and Ms. Baugh thanked the Board for their time and left the meeting at 5:14 p.m.

5. *Proposed Amendment Regarding Consultant Disclosure Under the Code of Ethics.* Mr. Buck reported that draft transmittal letters regarding this matter are being prepared. Once the proposed ordinance has final clerical corrections, the matter will be transmitted to the Executive from Director Sheryl Whitney, DIAS. Mr. Carlson moved that the Board make the appropriate changes to the final draft and approve going forward with the proposed amendment. Mr. Howell seconded the motion and the motion passed unanimously. Mr. Johansen stated he would make the final corrections and forward the document to Mr.

Buck. Chair Price Spratlen thanked Mr. Buck for his attention to this issue and for helping to ensure the process continues to move forward.

6. *Financial Disclosure Requirement Under the Code of Ethics.* Ms. Clemens briefed the Board on recent developments. The proposed amendment to the financial disclosure requirement under the Code of Ethics is scheduled to be heard before the Committee of the Whole (COW) on Monday, September 27, 1999. She and Mr. Johansen are working with Council staff to prepare the briefing documents for that meeting. They, along with Mr. Carlson, are scheduled to attend, and be available to, committee members to either speak in favor of the amendment or respond to questions. Ms. Clemens then reviewed the current striking amendment with the Board. After review, Mr. Howell moved that the Board accept the corrections to the striking amendment as presented; Rev. Pruitt seconded the motion and the motion passed unanimously.

The Board then reviewed the Administrator's report to the Executive dated August 31, 1999, on the 1999 Financial Disclosure compliance. The Board asked about sanctions on non-compliance and stated that 100% compliance is the goal. Mr. Howell stated that those who refuse to file bring the issue of compliance to a head. Deliberate refusal to comply with the requirement cannot be allowed. Chair Price Spratlen noted that Executive Sims sent memos to department directors and personal letters to all board and commission members not in compliance in July. Ms. Clemens stated that this action resulted in increased filings. After discussion about the importance of compliance and the effectiveness of leadership involvement, Mr. Howell moved that the Board send letters to Mr. Norm Maleng, King County Prosecutor, and Executive Sims, informing them of those not yet in compliance; and to commend the Executive for his July letter which has contributed to the success of the program. Rev. Pruitt seconded the motion and the motion passed unanimously. The Board directed Ms. Clemens to draft the letters for the Chair's signature. Mr. Carlson commented that the office has come a long way in the successful management of the disclosure program. Additional funding and focused attention on the program have made the difference. He noted the high rate of compliance despite the fact employees are filing under the current disclosure requirements. Board members agreed and wished to recognize Ms. Clemens' work and Executive Sims' assistance in ensuring the success of this program.

7. *Education and Information. Web site development.* Ms. Clemens briefed the Board on recent developments on the ethics home page: all but nine advisory opinions will be available in their full text by September 30; Margaret T. Gordon will be listed with other Board members by September 30; agendas and meeting minutes, from August 1998 through August 1999, will be accessible to all with internet access by September 30. The Board registered its approval and Ms. Clemens suggested that a letter acknowledging this work be sent to ITS staff responsible for this development. Mr. Howell moved the Board send a letter of appreciation to ITS staff; Mr. Carlson seconded the motion and the motion passed unanimously. Holiday memo on gift receipt and reception attendance. Ms. Clemens stated that, over the years, the Board has sent a pre-holiday notice to employees regarding acceptance of gifts from vendors and attendance at receptions sponsored by contractors. She recommended a letter, co-authored by the Executive and Chair, reminding employees of county policies and introducing a new web site feature "Frequently Asked Questions." The first FAQs would address the issues of gifts and receptions. Mr. Carlson and Mr. Howell agreed that the FAQs were well written and succinct. Mr. Chelminiak and Mr. Howell stated that they did not agree with the prohibition on accepting gifts such as flowers and candy from those doing business with the county. Chair Price Spratlen stated that her office accepts no gifts whatsoever in order to remain impartial. She inquired of Mr. Chelminiak if Council Chair Louise Miller would like to sign the letter as well. He said there might be interest and would investigate. During further discussion, Ms. Clemens noted that the responses to the questions were taken from previous advisory opinions as well as the

Code of Ethics and that those provisions were referenced in the FAQs and would be linked to the site. Mr. Carlson then moved the Board accept the FAQs and forward the letter to Mr. Buck for Executive approval and signature in time for a November 1, 1999, disbursement to county employees and elected officials. Mr. Howell seconded the motion and the motion passed unanimously. Ms. Clemens thanked the Board and stated she would review the FAQs with Mr. Johansen prior to their being made public. Handout for exiting employees classes. Ms. Clemens informed the Board that the informational handout for existing employees classes had been drafted, reviewed with Mr. Johansen and is now ready for Board approval. After review, Rev. Pruitt moved that the handout be approved and forwarded to the administrator conducting the classes; Mr. Howell seconded the motion and the motion passed unanimously. Sims' letter of support for ethics. Mr. Buck announced that the draft letter had been approved. Mr. Howell moved that the letter be finalized with noted corrections and returned to Mr. Buck for Executive signature. Mr. Carlson seconded the motion and the motion passed unanimously.

8. *Board Appointments.* Chair Price Spratlen stated that she has requested that this item be placed on all future agendas until all members are serving under current terms. She stated that timely nominations, appointments and confirmations are important. Members are volunteer citizens committed to good government and serving in a significant way. It is an insult to these citizens when those in positions to nominate and appoint ignore their duties in this regard. She suggested two strategies: monitor terms and identify upcoming ending terms three months in advance; then meet with Councilmembers or the Executive to bring those positions to their attention. It is reasonable to expect a timely appointment process. She informed Mr. Chelminiak that two Board members are serving under long expired terms and the Council has failed to respond to repeated requests for action. She thanked him for attending the meeting so that the appropriate people could be informed. Mr. Howell noted that an appeal to the Board could be in jeopardy should current terms be made an issue. Mr. Chelminiak stated he would be happy to take the issue back to the Council and asked Ms. Clemens to send him copies of past requests. Ms. Clemens stated she would provide those materials this week. Chair Price Spratlen stated that she wishes to contact the appropriate individuals and understands Councilmember McKenna is interested in the Ethics Board nominations. Mr. Buck agreed with that assessment. The Chair directed Ms. Clemens to keep persisting in her efforts to schedule meetings with Executive Sims (for their quarterly meeting) and Council Chair Miller (for a first meeting.)

10. *October Meetings.* Mr. Johansen briefed the Board on recent developments regarding the special Board meeting on October 9, 1999, and distributed his memo reflecting these comments. He met recently with Mr. Jeff Slayton, legal advisor to the Council, regarding a request for clarification on the six questions submitted by the six Councilmembers. Mr. Slayton responded that, although he had not discussed the questions with all six members, he had talked to three, and they now indicated a new preference. They wish not to review the six questions alone, but to have those questions on the table along with other issues the Council will identify, in order to provide a trigger of a more comprehensive review of the Code of Ethics. Further, after the August 16 Board meeting attended by several Councilmembers, those making the request now wish to go forward for a collaborative review of conflict of interest and fair treatment provisions, among others. Mr. Johansen had made similar comments and suggestions during the August meeting. Mr. Slayton is working with Councilmembers, and will convey their ideas to the Board in advance of the October 9<sup>th</sup> meeting. To assist attendees during the meeting, Mr. Johansen stated that he would provide comparisons of the Code of Ethics, Washington State Ethics Code, City of Seattle Ethics Code and the Model Ethics Code from COGEL. Chair Price Spratlen stated this was good news and consistent with the Board's desire for a Code review. Mr. Chelminiak noted that all Councilmembers may not agree, but for purposes of this meeting, attendees could work off the focus of the six original questions. The desire for change may vary but a look at incremental review and change would be a positive step. There is general consensus

from Councilmembers to move forward sooner than later. Mr. Chelminiak stated he did not know if Councilmembers would attend given the budget demands, but he would be there. Mr. Carlson suggested having representation from other county codes, similar in size or situation, such as Cook County or LA County. Ms. Clemens stated that she would contact the Ombudsman, Mr. Duncan Fowler, to notify him of the change of focus for the October 9<sup>th</sup> meeting.

The Board discussed the need for holding the regularly scheduled meeting on October 18, 1999, considering the meeting on the 9<sup>th</sup> and the fact that Ms. Clemens would be out of town. Mr. Howell requested that the issue of staff resources be placed on every agenda, since this issue is critical to the Board's ability to conduct business. Mr. Buck stated that the budget picture had changed for the worse since the last reporting, considering the likely passage of I-695. Many departments are preparing reduced budgets now, although the Board of Ethics is not being asked for the reductions others are being asked to make. However, he is happy to report each meeting on the status of staff resources. Mr. Johansen suggested that discussion of holding a meeting on October 18<sup>th</sup> be tabled until the October 9<sup>th</sup> meeting. Board members agreed.

10. *Executive Session.* At 6:24 p.m. the Chair requested that the meeting move into executive session for the purpose of discussing the annual evaluation process for the Administrator. The Chair announced that the executive session would conclude in five minutes.

At 6:29 p.m. the Board completed the executive session and resumed its regular meeting.

At 6:30 p.m., Mr. Carlson moved to adjourn the meeting. Mr. Howell seconded the motion. The motion was approved unanimously and the meeting was adjourned.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 1999 by the King County Board of Ethics.

Signed for the  
Board: \_\_\_\_\_

Dr. Lois Price Spratlen, Chair